

September 6, 2018

VIA ECFS AND IBFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Ex Parte Presentation – WC Docket No. 18-193; ITC-T/C-20180612-00109 – TKC Holdings, Inc., Inmate Calling Solutions, LLC d/b/a ICSolutions, and Securus Technologies, Inc.

Dear Ms. Dortch:

TKC Holdings, Inc. (“TKC”), Inmate Calling Solutions, LLC d/b/a ICSolutions (“ICS”) and Securus Technologies, Inc. (“STI,” and collectively, with TKC and ICS, “Applicants”), acting through counsel and in accordance with the Federal Communications Commission’s (“FCC” or “Commission”) Public Notice,¹ hereby submit this ex parte presentation in response to the July 30, 2018 (I) Reply to the Joint Opposition to the Petition to Deny by the Wright Petitioners, Citizens United for Rehabilitation of Errants, Prison Policy Initiative, Human Rights Defense Center, The Center for Media Justice, Working Narratives, United Church of Christ, OC Inc., and Public Knowledge (collectively, the “Petitioners”)² and (II) ex parte comment filed by the Corrections Accountability Project (“CAP”).³ Section I responds to the Reply and Section II responds to the CAP Ex Parte.

As described below, Petitioners and CAP predictably attempt to buttress the flawed arguments previously raised in their initial filings regarding STI’s character and the competitive impact of the proposed transaction between STI and ICS (“Transaction”). Ultimately, neither Petitioners nor CAP identifies or articulates grounds that would justify denying or delaying action on the Joint Application.⁴

¹ *Application Filed for the Transfer of Control of Inmate Calling Solutions, LLC d/b/a ICSolutions to Securus Technologies, Inc.*, Public Notice, WC Docket No. 18-193, DA 18-684 (July 2, 2018) (“Public Notice”).

² *Reply to Joint Opposition to Petition to Deny by The Wright Petitioners et al.*, WC Docket No. 18-193; ITC-T/C-20180612-00109 (filed July 30, 2018) (“Reply”).

³ *Ex Parte Comment of the Corrections Accountability Project*, WC Docket No. 18-193; ITC-T/C-20180612-00109 (filed July 30, 2018) (“CAP Ex Parte”).

⁴ *Joint Application of TKC Holdings, Inc., Transferor, Inmate Calling Solutions, LLC d/b/a ICSolutions, Licensee, and Securus Technologies, Inc., Transferee, For Grant of Authority Pursuant to Section 214 of the Communications Act of 1934, as amended, and Sections 63.04 and 63.24 of the Commission’s Rules to Transfer Ownership and Control of Inmate Calling Solutions,*

I. PETITIONERS' REPLY PROVIDES NO BASIS TO DENY OR DELAY THE JOINT APPLICATION

Perhaps hoping that the “third time’s a charm,” Petitioners unsuccessfully attempt to refute the Applicants’ Joint Opposition⁵ by again dressing up or recasting their previous arguments, including bizarre and unsubstantiated interpretations of Commission precedent and strained readings of the facts surrounding the Transaction. As noted in the Joint Opposition, repeated assertions of the same claims are the hallmark of pleadings interposed only for the purpose of delay and constitute an abuse of the Commission’s process.⁶ The Petitioners’ Reply only further evidences such abuse on their part.

As in their Petition,⁷ Petitioners’ main arguments are that the following justify delay or denial of the Joint Application:

- character qualifications that allegedly were not considered by the Commission;
- STI’s intrastate rates that are not within the jurisdiction of the Commission;
- allegations surrounding STI’s former location-based services (“LBS”); and
- assertions that competitive harms outweigh the benefits of the Transaction.

Applicants address each of these in turn below.

A. The Yet Again Renewed Character Arguments Are Still Without Merit

1. Petitioners Twist And Contort The Commission’s Character Requirements And Ignore The Commission’s Prior Findings That STI Was Qualified To Hold Commission Licenses

Contrary to Petitioners’ assertions, Applicants have never advocated that character qualifications are “not properly reviewed in the context of a transaction proceeding.”⁸ Applicants fully concede that the Commission has a statutory obligation to conduct such a review. Rather Applicants’ point was and remains that repeatedly raising the same issues that have already been

LLC d/b/a ICSolutions to Securus Technologies, Inc., WC Docket 18-193 (filed June 12, 2018), ITC-T/C-20180612-00109 (filed June 12, 2018) (“Joint Application”).

⁵ *Joint Opposition to Petition to Deny by The Wright Petitioners et al.*, WC Docket No. 18-193; ITC-T/C/20180612-00109 (filed July 23, 2018) (“Joint Opposition”).

⁶ *See, e.g.*, Joint Opposition at 2-3, 7-9.

⁷ *Petition to Deny by The Wright Petitioners et al.*, WC Docket No. 18-193; ITC-T/C-20180612-00109 (filed July 16, 2018) (“Petition”).

⁸ Reply at 3.

raised and decided in past transactions, and attempting to use the transaction review process to advance other, frustrated policy goals, constitute abuses of the Commission's process.⁹

In an attempt to justify their repetitive character attacks, Petitioners now state that the “prior transactions in which character qualifications were raised were applications to approve transfer of ultimate ownership of [STI] between private equity firms” and that those transactions “saw no licenses change hands among licensees.”¹⁰ However, they claim the current transaction “is *distinct*” because “[STI] proposes a transfer of control of the ownership of a competitor I[T]S provider.”¹¹ Petitioners thus suggest that there is some “distinct” character assessment to be applied to the proposed Transaction as opposed to parent-level transactions such as the 2013 transfer of control of STI to ABRY Partners or the 2017 transfer of control of STI to Platinum Equity, LLC. Petitioners offer no support for this bizarre theory, citing instead the non-contentious principle that transfer control applications under Section 214 of the Communications Act of 1934, as amended (“Act”), are evaluated “under the same standard as if the proposed transferee were applying for licenses directly under Section 308 of the Act, which includes evaluation of the proposed licensee’s character qualifications.”¹² The prior transfers of control of STI were applications under Section 214 as well and were subject to the same standard of review. There simply is no support for Petitioners’ contention that different standards of character assessment apply to different types of transfer transactions.

Second, Petitioners remarkably assert that the Commission previously determined that “a change in ultimate ownership of Securus was not the appropriate vehicle for a character qualification analysis” and that now the “Commission can and must apply the character qualification analysis directed by statute.”¹³ The suggestion that the Commission shirked its statutory responsibility blatantly ignores the facts.

As noted in the Joint Opposition, in 2013 the Commission expressly found – after considering the variety of allegations lodged – that “we are satisfied that S[TI] is qualified to hold an authorization.”¹⁴ Petitioners now claim that in entering an agreement with Millicorp d/b/a

⁹ Joint Opposition at 7-9.

¹⁰ Reply at 2. Applicants note that Petitioners’ wholly incorrect suggestion that licenses are “changing hands” in the context of the Transaction is completely false and demonstrates a lack of even a basic understanding of the difference between a transfer of control in which “the authorization remains held by the same entity, but there is a change in the entity or entities that control the authorization holder,” and an assignment in which “the authorization is assigned from one entity to another entity.” 47 C.F.R. § 63.24(b)-(c). Applicants reiterate: ICS’s section 214 authorizations will continue to be held by ICS.

¹¹ Reply at 2 (emphasis added).

¹² Reply at 3.

¹³ *Id.* at 2-3.

¹⁴ *Applications Granted for the Transfer of Control of the Operating Subsidiaries of Securus Technologies Holdings, Inc. to Securus Investment Holdings, LLC*, Public Notice, WC Docket No.

ConsCallHome in connection with the 2013 transaction, STI “*admitted* it had been discriminating against” the company and its customers,¹⁵ ostensibly in violation of the Commission’s rules. Yet, STI made no such admission and the Commission made no such finding. Indeed, in approving the transaction, the Commission noted the pendency of a Petition for Declaratory Ruling filed in connection with call diversion schemes and stated that it did not “prejudge those issues here.”¹⁶

Again, in 2017, the Commission, after considering the conduct addressed by the 2017 Consent Decree¹⁷ and the commitments therein, concluded that the “Applicants hold the basic qualifications to be a Commission licensee under the Act and our rules and policies.”¹⁸ In doing so, the Commission addressed the same allegations of past rule violations and held that “these allegations [did not] raise substantial and material issues regarding” STI’s basic qualifications.¹⁹

Petitioners’ repeated resurrection and attempted recharacterization of these character arguments do not change what the Commission previously decided with respect to STI’s fitness to hold Commission licenses. The Petitioners raise no grounds to justify a different result in this case.

13-79, DA 13-961, 28 FCC Rcd 5720, 5724 (rel. Apr. 29, 2013) (“2013 Public Notice”); Joint Opposition at 10.

¹⁵ Reply at 4 (emphasis in original).

¹⁶ 2013 Public Notice, 28 FCC Rcd at 5723.

¹⁷ See *In the Matter of Securus Technologies, Inc., et al.*, Order and Consent Decree, File No. EB-IHD-17-00025128, FCC 17-140, 32 FCC Rcd 9552 (rel. Oct. 30, 2017) (“2017 Consent Decree”).

¹⁸ *In the Matter of Joint Application of Securus Investment Holdings, LLC, Securus Technologies, Inc., T-NETIX, Inc., T-NETIX Telecommunications Services, Inc. and SCRS Acquisition Corporation for Grant of Authority Pursuant to Section 214 of the Communications Act of 1934, as Amended, and Sections 63.04 and 63.24 of the Commission’s Rules to Transfer Indirect Ownership and Control of Licensees*, Memorandum Opinion and Order, WC Docket No. 17-126, FCC 17-141, 32 FCC Rcd 9564, 9575, ¶ 25 (rel. Oct. 30, 2017) (“2017 Order”). The Commission specifically took the Consent Decree into consideration in concluding that it “d[id] not believe that [the conduct addressed in the Decree raised] substantial and material questions of fact concerning the basic qualifications of S[TI] so as to bar approval of this proposed transfer of control of its authorizations.” *Id.* ¶ 24.

¹⁹ *Id.* ¶ 25. In fact, the Commission explicitly stated that in each instance concerning STI’s alleged “public rebukes” it “*addressed* the matter at the time it arose and did not find a substantial rule violation.” *Id.* (emphasis added). Thus, Petitioners’ claim that their character arguments “were not ‘addressed by the Commission’” is plainly spurious. See Reply at 3 (emphasis in original).

2. Petitioners' Attempt To Tie Intrastate Rates To Character Qualifications Is Inapt

Petitioners also attempt to equate certain STI intrastate rates with the lack of the requisite character qualifications.²⁰ As Applicants have repeatedly stated, a transfer of control application is not the forum for resolving complaints about industry-wide inmate telephone services (“ITS”) rate policies.²¹ Yet, that does not deter Petitioners from trying this argument yet again.

STI is in full compliance with the Commission’s *interstate* rate caps but Petitioners’ complaints are, inexplicably, about *intrastate* rates over which the Commission has no jurisdiction.²² Moreover, STI’s operations are currently subject to rate caps in fifteen (15) states in which STI currently has customers.²³ In another seven (7) states where STI has customers, its rates are subject to tariffing requirements.

Petitioners cite Massachusetts where state law restricts the authority of the Department of Telecommunications and Cable to regulate rates for Internet-Protocol enabled services like STI’s ITS.²⁴ Even then, as Applicants have explained several times, jail administrators and counties set rate and commission levels after balancing the needs of inmates, friends, family members and those of public safety.²⁵ Currently, the per-minute rate at all Massachusetts Department of Corrections facilities, with collectively the largest average daily inmate populations (“ADP”) in Massachusetts (some 9,000), is \$0.10 per minute, less than half the Massachusetts intrastate rate cap cited by Petitioners.

²⁰ See Reply at 4-5. Petitioners cite to a filing made in the Commission’s ITS rate proceeding, which is, of course, where these issues properly belong.

²¹ Joint Opposition at 2-3, 7-9.

²² *Global Tel*Link v. FCC*, 866 F.3d 397, 408-412 (D.C. Cir. 2017); see also *Ex Parte Presentation of TKC Holdings, Inc., Inmate Calling Solutions, LLC d/b/a ICSolutions, and Securus Technologies, Inc.*, WC Docket No. 18-193; ITC-T/C-20180612-00109, at 2 (filed Aug. 6, 2018) (“August 6, 2018 Ex Parte Presentation”). Petitioners concede that the Commission has no jurisdiction over intrastate rates. See Reply at Exhibit A (noting that the “[r]egulation of in-state rates by the FCC has been struck down in the federal courts.”).

²³ This includes Rhode Island, where STI has been awarded the state DOC contract, but has yet to initiate its service. The District of Columbia, where STI provides ITS, also has rate caps.

²⁴ Mass. Gen. Laws Ch. 25C, § 6A. The Applicants have addressed this issue in full in their August 6, 2018 Ex Parte Presentation in response to the Reply Comments submitted by the Attorney General of Massachusetts. August 6, 2018 Ex Parte Presentation at 3.

²⁵ See August 6, 2018 Ex Parte Presentation at 2; *Consolidated Joint Reply Comments of TKC Holdings, Inc., Inmate Calling Solutions, LLC d/b/a ICSolutions and Securus Technologies, Inc.*, WC Docket No. 18-193; ITC-T/C-20180612-00109, at 7 (filed July 23, 2018) (“Consolidated Joint Reply Comments”).

Moreover, although irrelevant, there is nothing nefarious about the New Jersey contract extensions cited by Petitioners.²⁶ The New Jersey statute²⁷ is, on its face, prospective only. It applies to new or renewal contracts and imposes restrictions on the state agent purchasing telephone service contracts for inmates. Nothing in the statute prohibits the contract extensions sought by Cape May County to accommodate completion of construction of the new correctional center so that “subsequent RFP’s w[ould] not have to address the transition into the new jail.”²⁸ In addition, Petitioners wrongly state that STI “convinced the Sheriff to extend its 2013 contract.”²⁹ As Exhibit B to the Reply shows, the purchasing agent recommended extension of the contract after consultation with the warden and in consideration of the valid business objectives of the county. Any suggestion that STI pressured or otherwise had to “convince” the county to extend its contract is completely fictional.

In sum, Petitioners’ renewed attempt to use intrastate ITS rates to impugn STI’s character in the context of this transfer of control proceeding must fail again for all the reasons previously noted – including in the context of prior transactions.

3. Petitioners’ Allegations Surrounding STI’s Former LBS Do Not Undermine STI’s Character Qualifications

The Joint Opposition addressed in detail the matter of STI’s former LBS – an issue raised with the Commission in 2017.³⁰ STI provided additional detailed information to the Commission in May and will cooperate fully with any investigation of issues surrounding the terminated service. As the Commission concluded in 2017, such an inquiry is the appropriate way to handle such a matter.³¹ Applicants submit that the former existence of LBS has no bearing on or relevance to STI’s qualifications to hold a Commission license in the context of the instant Transaction.

Substantively, Petitioners’ claim that use of the term “real-time” in STI’s materials suggests that LBS enabled live tracking of individuals. That is inaccurate. “Real-time” meant that the authorized customer received the coarse approximate geographic location without delay, assuming that all preconditions with respect to accessing such data were satisfied, including, for example, “appropriate warrant documentation.”³² As stated to the Commission, the data that was collected and displayed was “only the wireless phone’s approximate location at the start and end

²⁶ Reply at 5 and Exhibit B.

²⁷ See N.J. Stat. Ann. § 30:4-8.12, *available at* <https://bit.ly/2wrJU9k>.

²⁸ Reply at Exhibit B.

²⁹ *Id.* at 5.

³⁰ Joint Opposition at 13-15 and Exhibit A.

³¹ 2017 Order ¶ 28.

³² Reply at Exhibit C.

of the call, not GPS data,” and no phones or individuals were “actively tracked.”³³ There has been no misrepresentation in this regard.

In over 99% of the cases where data was collected, the called party provided prior consent. STI outlined the series of reasonable steps that it took to prevent abuse of LBS in the modest number of cases where the called party was not required to consent to the collection of such data.³⁴ The incident involving the rogue sheriff who failed to comply with the various safeguards (and is now, with STI’s assistance, being prosecuted) does not implicate or undermine STI’s qualifications.

Petitioners, based on a press report, refer to a “breach of Securus’ LBS system earlier this year”³⁵ That allegation is false. There was no such breach and to the extent that the article cited by Petitioners so represented it was incorrect. Again, this incorrect allegation has no bearing on STI’s character qualifications.

Once again, Petitioners’ repetition of previous assertions provides no grounds for an adverse character finding or for denying or delaying the Joint Application.

B. Petitioners Offer No Factual Or Legal Support That The Transaction May Harm Competition

Petitioners’ Reply is factually and legally flawed and their reliance on a Commission Staff Analysis in connection with the proposed 2011 AT&T/T-Mobile transaction³⁶ and a single Wall Street analyst report³⁷ is unpersuasive and misleading. The Petition asserted that the proposed combination of STI and ICS raises “competitive concerns,” but without any factual or legal support.³⁸ Doubling down on their conclusory rhetoric, Petitioners now argue that *every* combination of potentially competing companies without regard to any other market conditions harms competition and should be condemned as illegal: “when one competitor acquires another there is one less competitor, *ergo* competition is reduced.”³⁹ Petitioners’ assertion that all combinations of competitors are harmful (particularly as it relates to ITS and the Transaction) is nonsensical. When competitors combine, competition is not always harmed and often competition may be (and is) enhanced. Whether a proposed combination is likely to substantially lessen

³³ Joint Opposition at Exhibit A (emphasis in original).

³⁴ *Id.*

³⁵ Reply at 7.

³⁶ *In the Matter of Applications of AT&T Inc. and Deutsche Telekom AG for Consent to Assign or Transfer Control of Licenses and Authorizations*, Order, WT Docket No. 11-65, 26 FCC Rcd 16184, 16196, Staff Analysis and Findings, ¶ 15 (rel. Nov. 29, 2011) (“AT&T-T-Mobile Staff Analysis”).

³⁷ *Announcement: Moody’s says Securus’ ratings unchanged following add-on to term loan*, (May 7, 2018), <https://bit.ly/2NIIBTm> (last visited Aug. 6, 2018) (“Moody’s Report”).

³⁸ Petition at 9.

³⁹ Reply at 8.

competition depends on various market conditions such as the strength and effectiveness of other independent rivals in a properly defined market;⁴⁰ the extent to which such rivals can and do compete effectively by winning business or otherwise constraining the competitive behavior of the combining firms;⁴¹ and the ease with which new or incumbent rivals can enter, expand or reposition (either geographically or in terms of types of customers served).⁴² Moreover, antitrust authorities recognize that “a primary benefit of mergers to the economy is their potential to generate significant efficiencies and thus enhance the merged firm’s ability and incentive to compete, which may result in lower prices, improved quality, enhanced service, or new products.”⁴³

Petitioners ignore the strength of the numerous ITS rivals profiled in Applicants’ Joint Opposition and present no evidence that there are any market conditions that would hinder or deter expansion by any of these competitors or entry by still others. Applicants can only assume therefore that Petitioners have concluded that the many (or perhaps all) rivals that Applicants identified are competitively credible and that no barriers to expansion have been found. Furthermore, unlike Petitioners’ baseless conclusion to the contrary, combining competitors often enhances competition by reducing operating costs (*i.e.*, creating cost synergies) and allowing the merged firm to deliver improved services and products at reduced costs.

Petitioners once again make no effort to define the relevant market or to address the other fatal flaws identified by Applicants in their “market” share calculations, which completely ignore a vast number of credible rivals, big and small, who can and do take business from ICS and STI today. Petitioners furthermore offer no evidence demonstrating how ITS rates, which have been in decline in recent years, will plausibly rise or how innovation will be harmed because a single competitor among many will combine with STI. Instead, Petitioners baldly assert, once again without any proof, that STI and ICS are two of the three largest ITS competitors and that alone may harm competition.⁴⁴ Even if it were true that ICS’s inmate calling rates are lower than STI’s, the relevant question that Petitioners ignore is whether those rates will rise as a result of the Transaction. As the evidence cited herein and in the Joint Opposition shows, given the existence of numerous credible ITS rivals, the lack of barriers to entry and expansion, and the existence of federal (and in some states) rate caps,⁴⁵ such risk is economically implausible. Furthermore, correctional facilities largely have complete control over the parameters of an RFP and they can (and do) mandate lower calling rates if they want to.

⁴⁰ U.S. Department of Justice and Federal Trade Commission, Horizontal Merger Guidelines, § 9.3 (Aug. 19, 2010), <https://bit.ly/2f5kMLK> (“DOJ/FTC Horizontal Merger Guidelines”).

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.* § 10.

⁴⁴ Reply at 2.

⁴⁵ See *e.g.*, 47 C.F.R. § 64.6030.

1. Petitioners' Cited "Analogous" Precedent Is Misplaced

Incredibly, the only legal support cited by Petitioners is the Commission's Staff Analysis in the long abandoned AT&T/T-Mobile merger, which involved the proposed combination of the second and fourth largest wireless carriers in the United States. Other than the fact that the present Transaction and the proposed AT&T/T-Mobile transaction are under the jurisdiction of the Commission, the two transactions have nothing in common whatsoever. In the proposed AT&T/T-Mobile transaction, the Staff Analysis found harm to competition in a properly-defined and *different* market (mobile voice and data services) that was highly concentrated and in which barriers to entry were high.⁴⁶

Contrary to Petitioners' facile claims,⁴⁷ there are no "similar concerns" with respect to the proposed Transaction. The markets are completely different in nature. The ITS technology is decades old, has no intellectual property ("IP") protection, and there are dozens of ITS providers. There are also no barriers to entry and expansion in the ITS business; scaling to service a larger institution is easy as there are no meaningful capacity constraints, and cash advances (upfront payments and/or guaranteed payments) and equipment and installation costs only accrue after a bid is awarded.

The Prison Policy Initiative's ("PPI")⁴⁸ latest charge that there are significant barriers to entry and expansion is unfounded. PPI bases this charge on the assertion that competitors need "population experience" before being selected and cite to the examples of the Florida, Massachusetts, and Michigan Departments of Corrections ("DOCs").⁴⁹ As a matter of fact, RFPs typically do not require prior experience (and typically do not require prior experience of a certain population size) to bid or win. Even when customers require prior customer *references* (i.e., contact information about prior customers served by the bidder), (i) the references are not a determinative factor as to whether a bidder will win, and (ii) numerous companies with less extensive accounts than STI often have beat STI in RFP processes (e.g., City-Tele-Coin ("City-Tel"), CenturyLink, Inc. ("CenturyLink"), Correct Solutions Group ("CSG"), Legacy Long Distance International, Inc. ("Legacy"), Network Communications International Corp. d/b/a NCIC ("NCIC"), and Pay Tel Communications, Inc. ("PayTel")). Table I below includes only a sample of RFPs that contain "prior references" provisions that were nevertheless won by NCIC, Legacy, Global Tel*Link Corporation ("GTL"), CSG and CenturyLink, demonstrating that there are plenty of credible rivals and no evidence that prior experience is an impediment to successful growth.

⁴⁶ AT&T-T-Mobile Staff Analysis ¶ 61.

⁴⁷ Reply at 9.

⁴⁸ While PPI is one of Petitioners, it has submitted separate analyses to the Petition (Exhibit A) and the Reply (Exhibit D).

⁴⁹ Reply, Exhibit D – Prison Policy Initiative Response to Applicants' Competition Arguments ("Exhibit D") at 3-4.

Table I: Competitor Wins and Prior References			
Winner	Facility	ADP	Year
NCIC ⁵⁰	Clayton County, GA	1,525	2018
Legacy ⁵¹	Maine DOC	2,380	2017
GTL ⁵²	Wayne County, MI	2,330	2017
CSG ⁵³	City of St. Louis, MO	1,520	2015
Legacy ⁵⁴	Sonoma, CA	1,062	2016
CenturyLink ⁵⁵	Montana DOC	2,002	2017

PPI alludes to “significant technological investments that also serve as a barrier to entry and further expansion in the market by smaller competitors.”⁵⁶ While this may have been true when ITS systems operated on expensive board-based premise platforms, the development of SIP-based centralized call processing eliminated the need for the expensive premise servers and thereby allows providers to deploy ITS services with little investment in hardware. Moreover, ITS providers that serve smaller facilities face no barriers to expansion in transitioning to serve larger facilities. ITS providers seeking to serve a correctional facility with a larger ADP size than the facilities they currently serve would only need to undertake three scaling activities of any

⁵⁰ Reference requirement: “List all other contracts where Services of the types being proposed were provided in the past three (3) years by your firm. This should include other state, county and city governments and provide up to date contact information.” Exhibit 1 at SEC000030.

⁵¹ Reference requirement: “(...) The Department also reserves the right to consider other reliable references and publicly available information in evaluating a Bidder’s experience and capabilities.” Exhibit 1 at SEC000208; and “Present a detailed statement of qualifications and summary of relevant experience.” Exhibit 1 at SEC000225.

⁵² Reference requirement: “Provide at least three (3) references for similar projects, including name of establishment, address, dates of service, contact name and telephone number. Clearly indicate for the projects which, if any, of the proposed key personnel worked on each.” Exhibit 1 at SEC000529.

⁵³ Reference requirement – Exhibit B: “Indicate below three current and three previous references. All portions of the form must be completed.” Exhibit 1 at SEC003077.

⁵⁴ Reference requirement: “Provide specific information in this section concerning the firm’s experience in the services specified in this RFP, preferably within the State of California (...). References are required. Please provide names, addresses, and telephone numbers of contact persons within three (3) client agencies for whom similar services have been provided.” Exhibit 1 at SEC003097.

⁵⁵ Reference requirement: “Offeror shall provide a minimum of three references that are currently using or have previously used supplies and/or services of the type proposed in this RFP. The references may include state governments or universities for whom the offeror, preferably within the last three years, has successfully deployed and maintained an Inmate Communication System (installation and support).” Exhibit 1 at SEC003129.

⁵⁶ Reply, Exhibit D at 4.

consequence: (i) installing new phones and ancillary equipment; (ii) potentially expanding their internal data center equipment and server capacity to handle the additional call volume; and (iii) potentially expanding customer service and maintenance and repair capabilities (together, the “Scaling Activities”).

None of the Scaling Activities is an impediment to credibly bidding for larger opportunities. Instead, each Scaling Activity can be undertaken with minimal capital *after being selected as a winner*; can be completed using third party vendors, such that there are no sunk costs or experience disadvantages; and does not result in increasing unit costs based on the size of the opportunity. It is therefore no wonder therefore that smaller ITS competitors can and do win larger customers with ease.

The quotations from the Moody’s Report are both unpersuasive and misleading. In essence, Petitioners “cherry-picked” language from the report while ignoring the analysts’ assessment that while STI may be big, ICS is a “marginal competitor.”⁵⁷ Moreover, the analysts acknowledge that the proposed Transaction involves two “complementary” businesses that should result in substantial cost synergies⁵⁸ and may enhance STI’s ability to compete and innovate.

2. There Are Numerous Credible ITS Competitors

Petitioners complain in their Reply that Applicants merely list competitors rather than demonstrate their credibility.⁵⁹ This is untrue as Applicants listed specific wins by specific rivals with a focus on mid-size and larger correctional institutions.⁶⁰ In fact, Applicants did not list all the ITS competitors in the Joint Opposition. A more complete (but likely still not exhaustive) list is provided in Table II below.

Table II: ITS Competitors		
-Advanced Technologies Group -Ally Telecom -American Phone Systems -Amtel inc -Bealls Communications -CenturyLink -City-Tel coin -CPC -Consolidated -Correct Solution Group -CPMC Corrections -Crown Correctional Telephone -Eagletel	-Encartele -GTL -Homewav -Infinity Networks -JCW Electronics -Keystone -Lasalle Solutions -Lattice -Legacy -Michigan Paytel -NCIC -Paytel -Prodigy -Protocall	-Reliance -Stellar Services -Synergy Telecom -Talton -Teleconnect Direct -Telespan -Teletrust -Telewest -Tip Systems (Texas Inmate phones) -Total Telephone -Trufone -Wimactel inc

⁵⁷ See Moody’s Report.

⁵⁸ *Id.*

⁵⁹ Reply at 10.

⁶⁰ Joint Opposition at 18-19.

To further underscore the point that competition from these ITS providers is robust regardless of the size of the correctional facility, and many of these companies actively can and do win new correctional ITS business both with state and county correctional institutions, Applicants provide a more extensive “win” sample, including customers with different ADPs in Exhibit 2.⁶¹

On top of this, ICS has not been and is not a successful rival for larger institutions as a prime contractor. It has only two small state DOC contracts as the primary contractor. The rest of the state DOCs are serviced by CenturyLink, GTL, Securus, and Legacy. Moreover, ICS rarely wins large county customers, having won only two counties with ADPs of over 2,000 since January 1, 2017. Therefore, the Transaction will not have any effect on the outcomes of bids for larger contracts.

3. Petitioners’ Market Share Calculations Remain Inaccurate And Misleading

Petitioners assert that Applicants “nitpick over market-share calculations and methodologies without once offering any independent figures, calculations or methodologies. . . .”⁶² Here Petitioners attempt to misdirect the Commission from Petitioners’ own flawed and misleading share calculations. It is hardly “nitpicking” to point out that Petitioners’ claims are fundamentally flawed and their data meaningless.

As Applicants pointed out, neither Petitioners nor PPI explains what actually constitutes the “ICS market” they describe – a fatal flaw in any market share analysis, which was not corrected in Petitioners’ Reply. And PPI knowingly leaves out the revenue and ADP counts of numerous rivals when calculating shares – *i.e.*, it uses denominators that are too small and incomplete; once again, Petitioners’ Reply fails to correct this.

As for Petitioners’ argument that Applicants failed to offer a different methodology, that is merely further misdirection. Applicants pointed out multiple times that in a bidding market, share calculations – which summarize previous successes – may not provide reliable insights into the effectiveness of rivals on future competition,⁶³ and future competition is what matters when analyzing the competitive effects of the Transaction.⁶⁴ As a hypothetical but illustrative example,

⁶¹ Exhibit 2 contains win/loss data from both ICS and STI for the period 2015-2018.

⁶² Reply at 10.

⁶³ *United States v. AT&T Inc.*, 2018 WL 2930849, at 2 (D.D.C. June 12, 2018) (finding that Section 7 Clayton Act claims require a “comprehensive” inquiry into the “future competitive conditions in a” relevant market); *see also FTC v. Arch Coal, Inc.*, 329 F. Supp. 2d 109, 116 (D.D.C. 2004) (“Hence, antitrust theory and speculation cannot trump facts”; the Government must make its case “on the basis of the record evidence relating to the market and its probable future.”); *United States v. General Dynamics Corp.*, 415 U.S. 486, 501 (1974) (noting that “[e]vidence of past production does not, as a matter of logic, necessarily give a proper picture of a company’s future ability to compete.”).

⁶⁴ *AT&T Inc.*, 2018 WL 2930849, at 23 (“In assessing the Government’s Section 7 case, the court must engage in a ‘comprehensive inquiry’ into the ‘future competitive conditions in a given market.’”) (quoting *United States v. Aetna*, 240 F. Supp. 3d 1, 18 (D.D.C. 2017)); *see also General*

consider a bidding contest to supply all the water to a particular municipality. Four companies bid. Company A wins, giving it a 100% market share and companies B, C, and D each have zero shares. These market shares, however, have no bearing on any one company's competitive significance in the next bid at another city. If the four rivals had a roughly equal probability of winning the contract, then market shares of $1/N$ (in this example, $1/4$ or 25%) may better represent the competitive situation when the competition was underway.⁶⁵

In assessing a proposed merger in a bidding market, “the key is to identify likely credible bidders in future bidding opportunities.”⁶⁶ Here, credible incumbent bidders abound and there are no barriers to expansion. Even if we merely consider ten ITS rivals (rather than the 39 shown in Table II), the merging parties' shares would be 20% combined using the $1/N$ formulation, hardly a competitive concern given the lack of any barriers to expansion and entry. And PPI's methodology had ICS's share at merely 6-7%, not a meaningful increase to STI's competitive position.⁶⁷ Finally, PPI ignores CenturyLink as an independent rival even though the company has partnered with no fewer than three ITS providers (including Legacy) and faces no impediment to partnering with a new ITS provider should it desire to do so. PPI's statement that “CenturyLink subcontracts” with ICS is immaterial; CenturyLink is a reseller of ITS and makes its own independent pricing and bidding decisions.⁶⁸

4. Petitioners' Argument That Applicants Failed To Adequately Demonstrate Affirmatively The Pro-Competitive Benefits Is Baseless

Petitioners failed to provide any meaningful support for their claims of potential competitive harms caused by the Transaction. Under the Commission's precedent, if there are no public interest (*e.g.*, competitive) harms, then the Commission proceeds to examine the transaction's public interest benefits and has stated that the “clear public interest benefits in a license or authorization holder being able to assign or transfer control of its license or authorization freely” are sufficient to justify approval.⁶⁹ Applicants may, but are not required to, provide evidence of other public interest benefits.⁷⁰ Yet Petitioners complain that Applicants used too few

Dynamics Corp., 415 U.S. at 498 (“[O]nly . . . examination of the particular market—its structure, history and probable future—can provide the appropriate setting for judging the probable anticompetitive effect of the merger.”).

⁶⁵ Organisation for Economic Co-operation and Development, *Competition in Bidding Markets* at 44 (June 4, 2007) (“OECD Competition in Bidding Markets”), available at <https://bit.ly/2NRvAhf>.

⁶⁶ OECD Competition in Bidding Markets at 8.

⁶⁷ Reply, Exhibit D at 2.

⁶⁸ *Id.* at 1.

⁶⁹ *In the Matter of Applications of Level 3 Communications, Inc. and CenturyLink, Inc. For Consent to Transfer Control of Licenses and Authorizations*, Memorandum Opinion and Order, WC Docket No. 16-403, FCC 17-142, 32 FCC Rcd 9581, 9586, ¶ 10 (rel. Oct. 27, 2017).

⁷⁰ *Id.*

words to describe the Transaction's public interest benefits, so the Commission should not consider these benefits.⁷¹

Petitioners assert that the claimed benefits are "not directly related to the provision of [ITS] to consumers."⁷² But they are part and parcel of the provision of ITS. STI has been a leading innovator in the ITS space for many years, introducing new products and features to its ITS platform that benefit inmates, correctional facility administrators, and the public alike. And contrary to Petitioners' perceptions, inmates themselves are in fact "consumers" who will benefit from additional services that ICS will be able to offer to them as a result of the Transaction. As one example, STI currently offers – while ICS does not – the opportunity for the inmate to leave/send an outbound voicemail to the called party (where permitted by facility administrators). To the extent that these additional services help inmates improve their lives while incarcerated, their friends and family also derivatively benefit.

In addition, services that can be available to ICS correctional facility administrators for the first time as a result of the Transaction include, for example, investigative programs that monitor calls, forensic services, detection of contraband cellphones, and reports of inmate-to-inmate communication. These services are not currently offered by ICS and would not be in the near future. Accordingly, but for the instant Transaction, these benefits would not accrue to correctional facility administrators.

Further, while Petitioners claim the commitments regarding maintaining ICS rates are not meaningful, the Commission has held otherwise. In the 2017 Order, the Commission noted an analogous commitment in evaluating potential benefits of that transaction.⁷³

In sum, Petitioners post-Joint Opposition efforts to question the public interest benefits of the Transaction ring hollow. They ignore the many benefits to inmates, correctional facility administrators, and the public. In addition, they never provide any credible evidence that the Transaction may reduce competition and disregard the real threat of the numerous incumbent ITS rivals who can and do compete head-to-head against STI and ICS every day and would continue to do so after the Transaction is closed.

II. THE CAP EX PARTE LIKewise RAISES NO ISSUES THAT WARRANT DENIAL OR DELAY OF THE JOINT APPLICATION

The CAP Ex Parte attempts to make four points in furtherance of CAP's opposition to the Joint Application. None of them provides any basis for denial or delay of approval of that Joint Application.

⁷¹ Reply at 11.

⁷² *Id.*

⁷³ 2017 Order ¶ 30.

First, CAP takes issue with Applicants' competition arguments as set forth in the Consolidated Joint Reply Comments⁷⁴ and the Joint Opposition.⁷⁵ In the Joint Opposition, incorporated by reference in the Consolidated Joint Reply Comments, Applicants demonstrated with historical bidding information that many incumbent competitors besides GTL and STI can and do provide ITS even to larger correctional facilities today, including CenturyLink and several other rivals. More importantly, there are no meaningful barriers hindering any rivals from bidding on and winning more ITS business for correctional facilities of all sizes. Further, the barriers to entry by entirely new providers are relatively low.

Yet the CAP Ex Parte contends that “[j]ust two *recent* examples *completely refute* these claims and illustrate why the purchase *will end competitive bidding*.”⁷⁶ One of the “recent” examples dates back eight years, to 2010. CAP concludes that because several of bidders that participated in that one procurement have since combined, granting the Joint Application would mean that STI and GTL “*would likely be the only two companies competing for this contract in the future.*”⁷⁷ CAP’s other example is from 2017 and included three bidders, none of which was ICS. Even if CAP’s characterization of these two procurements was accurate, which it is not, these would still be only two examples out of the dozens or hundreds of ITS contracts awarded over the past eight years. Moreover, even for these two contracts, past performance is no guarantee of future results – for example, the fact that a particular company chose not to bid on the New York State contract in 2017 says nothing about whether that company will or will not submit a bid the next time that state has a procurement. In the face of the detailed information provided in the Joint Opposition, CAP’s simplistic assertion based on two cherry-picked cases warrants no further comment.

Second, CAP challenges the statement in the Consolidated Joint Reply Comments that the acquisition of ICS is STI’s first acquisition of a provider of ITS.⁷⁸ Its argument is a complete *non sequitur*. CAP points to STI’s acquisitions of a series of companies, *none of which provide ITS (i.e., inmate telephone services)* like ICS. CAP concedes this to be the case by describing the entities as “companies in the correctional telecommunications industry” – a term which CAP of course does not define.⁷⁹ While all of these companies developed products or services that were ancillary to ITS, as CAP’s own description of the companies shows, none of the companies was itself an ITS provider. Some of these entities offered products supporting video calling service, which is neither considered to be nor regulated as ITS. Finally, CAP raises again the prospect of STI using its patent portfolio in an anti-competitive fashion. The Consolidated Joint Reply

⁷⁴ Consolidated Joint Reply Comments at 4-5.

⁷⁵ Joint Opposition at 15-28.

⁷⁶ CAP Ex Parte at 1 (emphasis added).

⁷⁷ *Id.* (emphasis added).

⁷⁸ Consolidated Joint Reply Comments at 5.

⁷⁹ CAP Ex Parte at 2.

Comments fully addressed this issue⁸⁰ and CAP's reliance on a two-year old press release does not refute in any way the points made by the Applicants in the Consolidated Joint Reply Comments.

Third, CAP asserts that ICS does have patents relating to its ITS platform and thus approving the transaction will have an effect on patent holdings within the ITS industry. Again, CAP cites a 2016 press release about a promotional contest and patent "applications" as "proof" that this is the case.⁸¹ STI and ICS reiterate: ICS has no patents relating to its ITS platform. ICS has had an amicable patent licensing arrangement with STI for a number of years. To the extent that ICS did have its own patents, they were assigned to another entity and therefore are not part of the contemplated Transaction.

Fourth, and finally, CAP, like the Petitioners, also seeks to inject the industry-wide policy issue of ITS rates into this transaction proceeding. As the Joint Opposition notes, the Commission repeatedly has held that a transfer of control application is not the forum for addressing such issues.⁸² STI complies with the FCC's cap on interstate ITS rates, which is the scope of the agency's jurisdiction. The premise that ITS providers have total control over what rates are charged at their customers' facilities continues to be a false concept, as noted in the Consolidated Joint Reply Comments.⁸³ Moreover, as noted above, intrastate rate caps apply to STI's ITS charges in 15 states where STI currently has customers.⁸⁴ As Applicants have shown, there are many incumbent competitors today in the ITS market. CAP's attempt to inject rate issues as a ground for denying or delaying the Joint Application must be rejected.

III. CONCLUSION

For all the foregoing reasons, both Petitioners' and CAP's most recent assertions regarding STI and the Transaction contemplated by the Joint Application do not warrant denial or delay in granting the Joint Application. Further, Applicants respectfully request that the Commission strongly caution Petitioners against raising arguments that have already been considered and rejected by the Commission in future filings in this or other proceedings, with meaningful consequences if they ignore this caution.



⁸⁰ Consolidated Joint Reply Comments at 5-6.

⁸¹ A search of the publicly-accessible United States Patent and Trademark Office database found four patent applications in the name of ICS: one from 2005 and three from 2009.

⁸² Joint Opposition at 8-9.

⁸³ Consolidated Joint Reply Comments at 6-7; see also August 6, 2018 Ex Parte Presentation at 2.

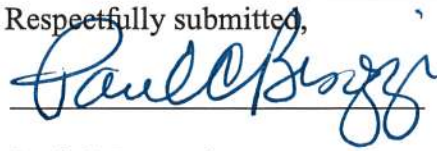
⁸⁴ See *supra* p. 5. In another seven (7) states, STI's intrastate rates are subject to tariff requirements. With respect to CAP's further rehash of "public rebukes" and STI seeking to "undermine state law to avoid regulation," STI has fully addressed those allegations in the Joint Opposition and the August 6, 2018 Ex Parte Presentation. See Joint Opposition at 7-15; August 6, 2018 Ex Parte Presentation at 3.


by 

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Respectfully submitted,



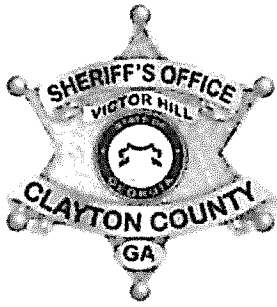
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Corrections Accountability Project (by First Class Mail)
Jodie May, Wireline Competition Bureau, FCC (by email)
Sumita Mukhoty, International Bureau, FCC (by email)
Jim Bird, Office of General Counsel, FCC (by email)

Exhibit 1
Sample of RFPs Containing Prior References Provisions



The Office of the Clayton County Sheriff
 9157 Tara Blvd, Jonesboro, GA 30236
 Phone: 678-479-5350 Fax: 678-479-5358
 Website: www.claytonsheriff.com
Attorney Oliver R. Hunter
 Oliver R. Hunter, Legal Advisor

REQUEST FOR PROPOSAL

Sealed Envelope shall be marked with the following information:
INMATE PAY PHONE SYSTEMS FOR CLAYTON COUNTY SHERIFF'S
RFP PKG #SO-01 OPENING: April 18, 2018 at 2:00 P.M.

SCHEDULE OF RFP PKG #SO-01 Events

A Mandatory Pre-Proposal Conference will be held on May 1, 2018 at 3:00 P.M. at Clayton County Sheriff's Office, 9157 Tara Blvd., Jonesboro, GA 30236. All interested parties must enter the building at the Jail public entrance and proceed to the Visitors Lobby. Representatives from the Sheriff Department will meet the vendors and conduct the tour.	May 01, 2018 3:00 P.M.
Deadline for requests for clarifications and questions. These requests must be emailed to: CCSO.Contracts@claytoncountyga.gov	May 03, 2018 3:00 P.M.
Clarifications, modifications and/or answers will be posted on the Clayton County's website: http://www.claytonsheriff.com/Contracts.html	May 07, 2018 5:00 P.M.
Sealed proposals will be accepted until the opening date and time. Any late submittals received shall not be considered. Submittals are to be delivered to Clayton County Sheriff's Office 9157 Tara Blvd. Jonesboro Ga. 30236	May 11, 2018 3:00 P.M.

THIS FORM MUST BE SIGNED AND SUBMITTED TO BE CONSIDERED FOR AWARD

COMPANY NAME:		DATE:
MAILING ADDRESS:		PHONE:
CITY:		FAX:
STATE:	ZIP:	SSN OR FEDERAL TAX ID:
EMAIL:	TITLE OF AUTHORIZED REPRESENTATIVE:	
PRINTED NAME:	AUTHORIZED SIGNATURE:	

Systems.

- C. Explain the Successful SP's process for ensuring all staff providing Services will meet all requirements and standards of this RFP.
- D. Provide information on the technical experience, education and experience of your company's team members who will be dedicated to this project.
- E. Provide resume on key team members and organized according to the following:
 - Name and title.
 - Professional Background.
 - Certification
- F. Provide an organization chart depicting the personnel to be used on the Project, their area of expertise and the chain of command.

13.2 References: List all other contracts where Services of the types being proposed were provided in the past three (3) years by your firm. This should include other state, county and city governments and provide up to date contact information. The Clayton County Sheriff's Office reserves the right to obtain references from any of the parties listed.

14. **FEE PROPOSAL FORMAT**

The Cost Proposal shall be provided in a **separate sealed envelope**. The Cost Proposal shall include current information and shall be arranged and include content as described below:

Section 1 – Introduction

The Proposer shall include an introduction, which outlines the contents of the Cost Proposal.

Section 2 – Description of Services

The Proposer shall provide a brief description of the services to be included for each of the items listed below in the proposed fee schedule and/any other services that are not included in this schedule but that can be provided by the Proposer and that are consistent and responsive to the services requested in this RFP.

Section 3-Fee Schedule for Services

The Proposer shall provide proposed fees as outlined in the **Inmate Pay Phone System** Fee Proposal Sheet below. The Proposer may provide proposed fees for any other services that are not included in this schedule but that can be provided by the Proposer and that are consistent and responsive to the services requested in this RFP.

Clayton County Sheriff's Office expects the proposed fees for this RFP to remain firm during the contract term. If there are price changes proposed, they must be submitted in writing to the Director of Central Services and the Clayton County Sheriff's no later than sixty (60) days prior to contract renewal. The price increase must agree within the parameters of the **Consumer Price Indexes (CPI)** program data on changes in the prices paid by urban consumers for a representation of services, which must be supported with documentation. Price changes must be approved by the Clayton County Sheriff's Office and the user

**STATE OF MAINE
DEPARTMENT OF CORRECTIONS**

RFP# 201511215

**PRISONER/RESIDENT - PHONE AND REMOTE VIDEO
VISITATION SYSTEM**

RFP Coordinator: Scott Goulette
25 Tyson Drive, SHS 111
Augusta, ME 04333

e-mail: scott.goulette@maine.gov

From the time this RFP is issued until award notification is made, all contact with the State regarding this RFP must be made through the aforementioned RFP Coordinator. No other person / State employee is empowered to make binding statements regarding this RFP. Violation of this provision may lead to disqualification from the bidding process, at the State's discretion.

Mandatory Pre-Bid Meeting and Site Visits: February 10, 11 & 12, 2016

Deadline for Submitted Questions: February 18, 2016 @ 5:00 p.m. local time

Proposals Due: March 10, 2016, not later than 2:00 p.m. local time

Submit to:

**Division of Purchases
Burton M. Cross Building, 111 Sewall Street, 4th Floor
9 State House Station, Augusta ME 04333-0009**

**HIGHLY CONFIDENTIAL
SEC000204**

<u>Juvenile Facilities</u>	<u>Location</u>	<u>*ADP</u>	<u>** Minutes</u>
Long Creek Youth Development Center	675 Westbrook Street, South Portland, ME	100	44,924

*ADP figures provided are from the month of November, 2015 and are subject to normal monthly variations.

** Minutes figures provided represent total connected minutes from 7/1/2014 to 6/30/2015.

B. General Provisions

1. Issuance of this RFP does not commit the Department to issue an award or to pay expenses incurred by a Bidder in the preparation of a response to this RFP. This includes attendance at personal interviews or other meetings and software or system demonstrations, where applicable.
2. All proposals should adhere to the instructions and format requirements outlined in this RFP and all written supplements and amendments (such as the Summary of Questions and Answers), issued by the Department. Proposals are to follow the format and respond to all questions and instructions specified below in the "Proposal Submission Requirements and Evaluation" section of this RFP.
3. Bidders shall take careful note that in evaluating a proposal submitted in response to this RFP, the Department will consider materials provided in the proposal, information obtained through interviews/presentations (if any), and internal Departmental information of previous contract history with the Bidder (if any). The Department also reserves the right to consider other reliable references and publicly available information in evaluating a Bidder's experience and capabilities. The proposal shall be signed by a person authorized to legally bind the Bidder and shall contain a statement that the proposal and the pricing contained therein will remain valid and binding for a period of 180 days from the date and time of the bid opening.
4. The RFP and the selected Bidder's proposal, including all appendices or attachments, will be incorporated in the final contract.
5. Following announcement of an award decision, all submissions in response to this RFP will be considered public records available for public inspection pursuant to the State of Maine Freedom of Access Act (FOAA) (1 M.R.S. §§ 401 et seq.).
6. The Department, at its sole discretion, reserves the right to recognize and waive minor informalities and irregularities found in proposals received in response to this RFP.
7. The State of Maine Division of Purchases reserves the right to authorize other Departments to use the contract(s) resulting from this RFP, if it is deemed to be beneficial for the State to do so.
8. All applicable laws, whether or not herein contained, shall be included by this reference. It shall be Proposer's/Vendor's responsibility to determine the applicability and requirements of any such laws and to abide by them.

C. Eligibility to Submit Bids

Public agencies, private for-profit companies, and non-profit companies and institutions are invited to submit bids in response to this Request for Proposals.

D. Contract Terms

The Department is seeking a cost-efficient proposal to provide services, as defined in this RFP, for the anticipated contract period defined in the table below. Please note that the dates below are estimated and may be adjusted as necessary in order to comply with all procedural requirements associated with this RFP and the contracting process. The actual contract start date will be established by a completed and approved contract. The initial contract term will be approximately three (3) years and three (3) months.

In the event the award process for this RFP involves a hearing of appeal, expenses will be assessed if the appeal request is found to be without merit, or the hearing of appeal results in a validation of the Department's award. Otherwise, deposits are refundable to all Bidders.

Bidders are to complete Appendix E and submit that form with the appeal deposit check in a sealed envelope clearly marked "Appeal Deposit" with their proposal.

For the purposes of this Section, failure of the State of Maine to award a contract as a result of this RFP does not constitute grounds for assessing expenses.

Proposals received that do not include an Appeal Deposit will be **rejected** without exception and ineligible for award consideration.

C. Proposal Contents

Section I Organization Qualifications and Experience

1. Description of the Organization

Briefly describe the history of the Bidder's organization, especially regarding skills pertinent to the specific work required by the RFP and any special or unique characteristics of the organization which would make it especially qualified to perform the required work activities. Include similar information for any subcontractors.

The following elements should also be provided:

- a. Location of the corporate headquarters. Also, describe the current or proposed location where services will be provided or from which the contract will be managed.
- b. Attach documentation of any applicable Maine licensure requirements (or any specific credentials required).
- c. Attach a certificate of insurance on a standard Acord form (or the equivalent) evidencing the Bidder's general liability, professional liability and any other relevant liability insurance policies that might be associated with this contract.

2. Organizational Experience

Present a detailed statement of qualifications and summary of relevant experience. If subcontractors are to be used, provide a list that specifies the name, address, phone number, contact person, and a brief description of the subcontractors' organizational capacity and qualifications. Please include resumes for all key personnel proposed.

3. Description of Experience with Similar Projects

- a. Provide a description of three (3) projects that occurred within the past five years which reflect experience and expertise needed in performing the functions described in the "Scope of Services" portion of this RFP. For each of the three examples provided, a contact person from the client organization involved should be listed, along with that person's telephone number and email address. Please note that contract history with the State of Maine, whether positive or negative, may be considered in rating proposals even if not provided by the Bidder.
- b. If the Bidder has not provided similar services, note this, and describe experience with projects that highlight the Bidder's general capabilities.
- c. Provider must list all occurrences where they have lost call recording or call data of any of their current or prior customers. Please list customer name, date of loss event and number of calls affected by data loss and correctional facility administrator contact for account. Failure to list all accounts in which calls were lost will result in automatic rejection of bid. If any lost calls were part of an active investigation, please describe the circumstances and provide reference contact

THE CHARTER COUNTY OF WAYNE, MICHIGAN
REQUEST FOR PROPOSALS
FOR
WAYNE COUNTY SHERIFF'S OFFICE INMATE TELEPHONE SYSTEM

CONTROL NO. 37-16-090

Issue Date: Friday, May 6, 2016

Pre-Proposal Conference: Friday, May 20 @ 10:00 am local time
Wayne County Purchasing Department
500 Griswold, 15th Floor,
Detroit, Michigan 48226

Pre-Proposal Question Deadline: Tuesday, May 24, 2016 at 4:00 p.m. local time

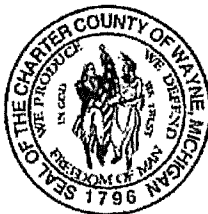
Proposal Deadline: Friday, June 3, at 4:00 p.m. local time
Charter County of Wayne
Purchasing Division
500 Griswold, 15th Floor
Detroit, Michigan 48226

Proposal Submission Format: ☒ **Hard Copy Submissions Accepted**
Charter County of Wayne
Purchasing Division
500 Griswold, 15th Floor
Detroit, Michigan 48226

Purchasing Contact: **Wayne County Strategic Sourcing Team**
Phone: 313-224-7100 Fax: 313-967-1259
procurement@waynecounty.com

Description: The County of Wayne is requesting proposals for the purpose of providing an Inmate Telephone System for the Wayne County Sherriff's Office Jails and Lock-Up Facilities.

A copy of this RFP can be obtained from the Michigan Inter-Governmental Trade Network (MITN) website at <http://www.mitn.info>. Until the expiration date of this solicitation, it is incumbent upon the Respondent to check the website for additional information and/or addenda. RFPs can also be obtained from the Wayne County Purchasing Division, 500 Griswold, 15th Floor Detroit, Michigan 48226-2831. If you have any questions, please call (313) 224-5151.



Warren C. Evans
County Executive

Written questions regarding the substance of the RFP or scope of services must be submitted via e-mail to the purchasing contact listed above no later than the Pre-Proposal Question Deadline indicated above.

Sealed Proposals are due prior to the Proposal Deadline indicated above and must be delivered to the Purchasing Division at the address above. Late proposals will not be accepted – NO EXCEPTIONS.

2) GENERAL SUBMITTAL REQUIREMENTS:

- a) **NUMBER OF COPIES:** One (1) original, plus five (5) copies (six total) of the entire proposal must be submitted. The original must be marked "ORIGINAL". Each copy must be identical to the original. The Proposals must be in labeled 3 ring binders. In addition, **an electronic copy of the complete Proposal must be submitted** on a CD, DVD or USB drive in PDF or Microsoft Office (.doc, .docx, .xls or .xlsx) formats.
- b) **PROPOSAL FORMAT:** Each proposal should be prepared simply and economically. Responses shall include the requirements listed below and in the following section.
- c) **PROPOSAL CONTENT:** The Proposer must include the following items, or the proposal may be deemed non-responsive and rejected without any further evaluation (unless otherwise indicated herein):
 - i) All forms contained or listed in Section 5 in this RFP, fully completed:
 - ii) A copy of Proposer's latest audited, reviewed, or compiled financial statements (balance sheet, income statement, statement of cash flows, footnotes) prepared by an independent certified public accountant. If your company is not required by federal, state and local law, financial institutions, or company management to have audited, reviewed, or compiled financial statements prepared by an independent certified public accountant, you may submit an internally generated balance sheet and income statement instead.
 - iii) Evidence showing that the Proposer meets each of the Minimum Qualifications listed in the Scope of Work of this RFP. (See next section for more detail.)
 - iv) A complete response to each of the items in the next section, which are specific to the evaluation criteria. (See next section for more detail.)

3) SUBMITTAL REQUIREMENTS SPECIFIC TO EVALUATION CRITERIA: Submit a complete response to each of the following items. List them in the order below, following your submission to the above:

- a) Commission Rates and Fees:
 - (1) Provide your rates for the service.
 - (2) Provide your fees (i.e. bill statement fees, connection fees, and account set-up fees).
- b) Experience, Qualifications and Customer Service:
 - (1) Describe how you meet or exceed the minimum qualifications in the Scope of Work in this document.
 - (2) Describe how you meet or exceed the preferred qualifications in the Scope of Work in this document.
 - (3) Provide at least three (3) references for similar projects, including name of establishment, address, dates of service, contact name and telephone number. Clearly indicate for the projects which, if any, of the proposed key personnel worked on each.

**ST. LOUIS COUNTY DEPARTMENT OF JUSTICE SERVICES
REQUEST FOR PROPOSALS
INMATE TELEPHONE SERVICE**

RFP #2017-76 -TP

Proposal Due Date: January 25, 2018 2:00 p.m. Prevailing Central Time

Submit Proposals To: Division of Procurement
St. Louis County Government
8th Floor, 41 S. Central Ave.
Clayton, MO 63105

Submit: 1 (one) printed, signed original proposal
5 additional copies of the original proposal

Important Notice:

Effective immediately upon release of this Request for Proposals (RFP), and until notice of contract award, all official communications from Proposers regarding the requirements of this RFP shall be directed to the Director, Division of Procurement, 8th floor, 41 S. Central Avenue, Clayton, MO 63105 at purchasing@stlouisco.com. The Director, Division of Procurement, or designee shall distribute all official changes, modifications, responses to questions or notices relating to the requirements of this RFP by posting the same to the St. Louis County website with the RFP. Any other information of any kind from any other source shall not be considered official, and Proposers relying on other information do so at their own risk.

Exhibit B: References

Proposer's Name: _____

Indicate below three current and three previous references. All portions of the form must be completed

Current Reference #1

Name of Facility or Institution:	
Mailing Address:	
Contact Person & Title:	
Telephone Number:	
Contact email Address:	
Date Service Began:	
Number of Phones Supported:	

Current Reference #2

Name of Facility or Institution:	
Mailing Address:	
Contact Person & Title:	
Telephone Number:	
Contact email Address:	
Date Service Began:	
Number of Phones Supported:	

Current Reference #3

Name of Facility or Institution:	
Mailing Address:	
Contact Person & Title:	
Telephone Number:	
Contact email Address:	
Date Service Began:	
Number of Phones Supported:	



**COUNTY OF SONOMA
INMATE TELEPHONE SERVICES**

Request for Proposals (RFP)

The County of Sonoma is pleased to invite you to respond to a Request for Proposal for INMATE TELEPHONE SERVICES.

Proposals must be received no later than 5:00 p.m. on June 6, 2016

A. *Introduction/Purpose [State why the County of Sonoma is soliciting proposals.]*

- 1. Project Background and Description** Detention facilities have the mandated responsibility to provide to the County's inmates in its custody reasonable access to phones. The Sonoma County Sheriff's Office (SCSO) is seeking qualified vendors to provide inmate telephone services at the Main Adult Detention Facility (MADF) and the North County Detention Facility (NCDF). MADF is located at 2777 Ventura Avenue, and NCDF is located at 2254 Ordinance Road, Santa Rosa, CA. The County intends to execute five year agreement, with options for one-year extensions, to commence March 1, 2017. MADF currently has 94, and NCDF has 44 non-coin operated, Contractor provided telephones. All phone calls made by inmates are either collect, pre-paid collect, or debit, with the exception of pre-authorized no-expense local calls. Typical no expense, pre-authorized calls are programmed for the Public Defender, Probation, and Conflict Counsel Telephone numbers. The phones are located in the booking area in the MADF, and in each inmate module throughout both facilities. There are also 25 Ultratec Model ST120 TDD non-coin operated telephones located in the booking areas in the MADF and the inmate modules throughout both facilities.

Currently, inmates may purchase pre-coded debit cards in \$20 denominations. They may not purchase more than \$40 at one time. The pre-coded cards are purchased by the County from the Contractor and sold to inmates through the Commissary at no additional cost. Inmate Welfare Trust monthly revenue generated from Contractor's paid commissions on telephone use ranges from \$16,000 to \$23,000. The County acknowledges that recent FCC changes will potentially affect future commissions.

The County is also interested in implementing the following new technologies in its facilities: electronic visitation scheduling, video visiting, and tablets with calling

Santa Rosa, CA 95403

2. Due Date: Proposals must be received no later than 5:00 p.m. on June 6, 2016. The proposal due date is subject to change. If the proposal due date is changed, all known recipients of the original RFP will be notified of the new date.
3. General Instructions: To receive consideration, proposals shall be made in accordance with the following general instructions:
 - a) The completed proposal shall be without alterations or erasures.
 - b) No oral or telephonic proposals will be considered.
 - c) The submission of a proposal shall be an indication that the proposer has investigated and satisfied him/herself as to the conditions to be encountered, the character, quality and scope of the work to be performed, and the requirements of the County, including all terms and conditions contained within this RFP.
4. Proposal Format and Contents: For ease of review and to facilitate evaluation, the proposals for this project should be organized and presented in the order requested as follows:

a) **Section I - Organizational Information:**

Provide specific information concerning the firm in this section, including the legal name, address and telephone number of your company and the type of entity (sole proprietorship, partnership, or corporation and whether public or private). Include the name and telephone number of the person(s) in your company authorized to execute the proposed contract. If two or more firms are involved in a joint venture or association, the proposal must clearly delineate the respective areas of authority and responsibility of each party. All parties signing the Agreement with the County must be individually liable for the completion of the entire project even when the areas of responsibility under the terms of the joint venture or association are limited.

b) **Section II - Qualifications and Experience:**

Provide specific information in this section concerning the firm's experience in the services specified in this RFP, preferably within the State of California. Examples of completed projects, as current as possible, should be submitted, as appropriate.

References are required. Please provide names, addresses, and telephone numbers of contact persons within three (3) client agencies for whom similar services have been provided.

Debarment or Other Disqualification

Proposer must disclose any debarment or other disqualification as a vendor for any federal, state or local entities. Proposer must describe the nature of the

SCOPE OF SERVICES

To enable the State to determine the capabilities of an offeror to provide the supplies and perform the services specified in the RFP, the offeror shall respond to the following regarding its ability to meet the State's requirements.

All subsections require a response. Restate the subsection number and the text immediately prior to your written response.

NOTE: Each item must be thoroughly addressed. Offerors taking exception to any requirements listed in this section may be found nonresponsive or be subject to point deductions.

1.1 INTRODUCTION

This RFP is being issued to establish a contract with a qualified Offeror to provide comprehensive Inmate Communication Services (ICS) to the Montana Department of Corrections (MDOC) designated inmate population. The successful ICS will allow offenders the ability to communicate with outside parties, via collect and prepaid local, long distance, and/or international calls that may be made using hard wire and wireless devices and video communications with the possibility of adding additional available technologies at a later date. Any proposal must include all system upgrades and improvements and have the adaptability to accommodate future changes in technology, expansions to the ICS and any integration, as may become necessary. The MDOC does not guarantee the volume or duration of calls made by offenders.

The proposed ICS will fully replace and update the existing software and infrastructure, including but not limited to telephones, kiosks, and related equipment installed at MDOC facilities for offender communication services. Offerors may also propose additional equipment and services not currently installed or used in MDOC facilities for evaluation in their response, the cost for additional equipment and/or services must be included in a separate cost proposal. The ICS will meet, at a minimum, the requirements provided in this RFP including compliance with the FCC rules governing ICS providers, as well as providing the best solution for facilitating communications between offenders and offender's friends and family members.

Unless otherwise noted, specifications in this section define the minimum features and services required. The Offeror's response to each technical specification should clearly indicate whether or not the proposed system solution satisfies the requirement and should, in most cases, include enough details of how the functionality or service is accomplished.

MDOC contracts with two Montana counties to operate Regional Prisons and one private prison. These contracted facilities may request the selected Offeror to provide the same ICS services to offenders at these facilities. If any or all of these contracted facilities acquire the services of the selected Offeror, MDOC will want the ability to monitor calls on those systems from within our facilities. The selected Offeror would be expected to provide similar services and similar rates in order to maintain continuity and equality for all MDOC inmates. MDOC will not oversee these contracts, but will provide the selected Offeror with contact information.

All contents of the proposals submitted in response to this RFP, including revenues proposed to be paid to the MDOC and rates charged to users of the ICS must follow any and all Federal Laws, Montana State Laws, FCC rulings or orders and local restrictions while meeting each Facility's or location's specific requirements and local measures to ensure the safety and security of staff, offender victims and the community. Proposals submitted may be required to be modified in response to FCC rulings or rulings by any court of competent jurisdiction during the time that proposals are being evaluated for award.

SECTION 4: OFFEROR QUALIFICATIONS

All subsections of Section 4 not listed in the "Instructions to Offerors" on page 3 require a response. Restate the subsection number and the text immediately prior to your written response.

STATE'S RIGHT TO INVESTIGATE AND REJECT

The State may make such investigations as deemed necessary to determine the offeror's ability to provide the supplies and/or perform the services specified. The State reserves the right to reject a proposal if the information submitted by, or investigation of, the offeror fails to satisfy the State's determination that the offeror is properly qualified to perform the obligations of the contract. *This includes the State's ability to reject the proposal based on negative references.*

2.1 OFFEROR QUALIFICATIONS

To enable the State to determine the capabilities of an offeror to provide the supplies and/or perform the services specified in the RFP, the offeror shall respond to the following regarding its ability to meet the State's requirements. **THE RESPONSE, "(OFFEROR'S NAME) UNDERSTANDS AND WILL COMPLY," IS NOT APPROPRIATE FOR THIS SECTION.**

NOTE: Each item must be thoroughly addressed. Offerors taking exception to any requirements listed in this section may be found nonresponsive or be subject to point deductions.

Number	Requirement Description	Points
K1	References. Offeror shall provide a minimum of three references that are currently using or have previously used supplies and/or services of the type proposed in this RFP. The references may include state governments or universities for whom the offeror, preferably within the last three years, has successfully deployed and maintained an Inmate Communication System (installation and support). At a minimum, the offeror shall provide the company name, location where the supplies and/or services were provided, contact person(s), contact telephone number, e-mail address, and a complete description of the supplies and/or services provided, and dates of service. These references may be contacted to verify offeror's ability to perform the contract. The State reserves the right to use any information or additional references deemed necessary to establish the ability of the offeror to perform the contract. Negative references may be grounds for proposal disqualification	0 or 1
K2	Company Profile and Experience. Offeror shall provide documentation establishing the individual or company submitting the proposal has the qualifications and experience to provide the supplies and/or services specified in this RFP, including, at a minimum: <ul style="list-style-type: none">• a detailed description of any similar past projects, including the supply/service type and dates the supplies and/or services were provided;• the client for whom the services were provided; and• a general description of the firm including its primary source of business, organizational structure and size, number of employees, years of experience performing services similar to those described within this RFP.	0-3

Exhibit 2
Win/Loss Data

Table 1: Selected Opportunities Won By Other Competitors
ICS Bid Data

Winner	Facility	State	ADP	Year
Bealls	Clayton Sheriff's Office (Prison)	GA	250	2015
Combined Public Communications	Buncombe, NC	NC	450	2015
Combined Public Communications	Porter, IN	IN	400	2015
Combined Public Communications	Bedford, TN	TN	211	2015
Combined Public Communications	Overton, TN	TN	143	2015
Combined Public Communications	Lincoln, TN	TN	125	2015
Combined Public Communications	Bibb, AL	AL	88	2015
CSG	City of St. Louis, MO	MO	1,520	2015
CTC	Marion - Walthall Regional, MS	MS	500	2015
CTC	Howell, MO	MO	55	2015
Infinity	Brazos, TX	TX	612	2015
Legacy	Winnebago, IL	IL	837	2015
NCIC	Gregg, TX	TX	916	2015
NCIC	Shelby, AL	AL	400	2015
Paytel	Colquitt, GA	GA	380	2015
Amtel	GEO Allen, LA	LA	1,538	2016
Combined Public Communications	Vermillion, IN	IN	70	2016
CSG	Union Parish, LA	LA	265	2016
Encartele	Daviess/Dekalb, MO	MO	155	2016
Infinity	Henderson, TX	TX	224	2016
Legacy	ME DOC	ME	2,280	2016
Legacy	Sonoma, CA	CA	1,062	2016
Legacy	Yuma, AZ	AZ	492	2016
Legacy	McHenry, IL	IL	388	2016
Legacy	Yolo, CA	CA	381	2016
Legacy	Grays Harbor, WA	WA	150	2016
Legacy	Dunn, WI	WI	92	2016
Legacy	Mariposa, CA	CA	66	2016
NCIC	Etowah, AL	AL	740	2016
Paytel	Perry, PA	PA	125	2016
Prodigy	Grady, OK	OK	600	2016
Prodigy	Pennington, SD	SD	558	2016
Prodigy	Comanche, OK	OK	300	2016
CCT	Montrose, CO	CO	99	2017

Winner	Facility	State	ADP	Year
Century Link	CC Central & Florence, AZ	AZ	3,915	2017
Century Link	MT DOC	MT	2,534	2017
Century Link	CC Adams, MS	MS	1,922	2017
Century Link	CC Saguaro, AZ	AZ	1,369	2017
Century Link	CC Crossroads, MT	MT	685	2017
Century Link	Wyandotte, KS	KS	395	2017
Century Link	Boone, MO	MO	190	2017
Combined Public Communications	Logan, KY	KY	210	2017
CTC	Simpson, MS	MS	150	2017
CTC	Cass, MO	MO	143	2017
Encartele	Blair, PA	PA	290	2017
Encartele	Warren, MO	MO	128	2017
Legacy	Dona Ana, NM	NM	750	2017
Legacy	Kane, IL	IL	504	2017
Legacy	Santa Anna, CA	CA	405	2017
Legacy	Carroll, MD	MD	190	2017
NCIC	CC McRae, GA	GA	1,719	2017
NCIC	El Dorado, CA	CA	396	2017
NCIC	Dekalb, AL	AL	225	2017
NCIC	Henderson, NC	NC	149	2017
Paytel	Jackson, GA	GA	160	2017
Reliance	Burleigh/Mortin, ND	ND	476	2017
Century Link	WI DOC	WI	22,465	2018
Century Link	Cascade, MT	MT	450	2018
Century Link	Dawson, MT	MT	270	2018
Legacy	Cook, IL	IL	9,000	2018
Legacy	Montgomery, AL	AL	536	2018
NCIC	Cherokee, AL	AL	121	2018

Table 2: Selected Opportunities Won By Other Competitors
Securus Bid Data

Winner	Facility	State	ADP	Year
Amtel	Lee County	GA	105	2015
CenturyLink	AZ DOC	AZ	41,297	2015
CenturyLink	Pasco County Sheriff's Office	FL	1,363	2015
Combined Public Communications	Kenton County Detention Center	KY	600	2015
Combined Public Communications	Buncombe County	NC	394	2015
Combined Public Communications	Noble County	IN	263	2015
Combined Public Communications	Webster County Jail	KY	259	2015
Combined Public Communications	Whitley County KY	KY	233	2015
Combined Public Communications	Cass County Jail	IN	220	2015
Combined Public Communications	Montgomery County Regional Jail	KY	183	2015
Combined Public Communications	Haywood County	NC	170	2015
Combined Public Communications	Overton County Jail	TN	142	2015
Combined Public Communications	Clark County Detention Center	KY	132	2015
Combined Public Communications	Scott County Sheriff's Dept	IN	124	2015
Combined Public Communications	Jennings County Jail	IN	122	2015
Combined Public Communications	Greenup County Detention Center	KY	117	2015
Combined Public Communications	Adams County Jail	IN	111	2015
Combined Public Communications	Rockcastle County Detention Center	KY	110	2015
Combined Public Communications	Unicoi County Jail	TN	103	2015
Combined Public Communications	Bibb County Sheriff Dept	AL	75	2015
Combined Public Communications	Posey County Jail	IN	60	2015
Combined Public Communications	Effingham County Sheriff's Dept	IL	60	2015
Combined Public Communications	Pike County Jail	IN	52	2015
Combined Public Communications	Crenshaw County Jail	AL	45	2015
Combined Public Communications	Ohio County Jail	KY	39	2015
Combined Public Communications	Perry County Sheriff's Dept	AR	32	2015
Combined Public Communications	Smith County Jail	MS	7	2015
Crown Correctional	Bailey County Jail	TX	60	2015
Crown Correctional	Putnam County Jail	MO	2	2015
CTC	Gibson County Sheriff's Dept	TN	202	2015
CTC	Giles	TN	151	2015
CTC	Roane	TN	97	2015
CTC	Cherokee County Jail	KS	74	2015
CTC	Pulaski County Sheriff Dept	MO	69	2015
CTC	Howell County Jail	MO	42	2015

Winner	Facility	State	ADP	Year
CTC	Oregon County Sheriff's Dept	MO	8	2015
CTEL	Cherokee County	GA	605	2015
CTEL	Livingston County Sheriff Police	IL	125	2015
Encartele	Jasper County Sheriff's Office	MO	165	2015
Encartele	Daviess Dekalb County Regional Jail	MO	122	2015
Encartele	Lawrence County Jail	MO	67	2015
Encartele	Cooper County Jail	MO	42	2015
Encartele	Montgomery County Jail	IL	30	2015
Encartele	Johnson County Criminal Justice Center	WY	28	2015
Encartele	Carroll County Jail	IL	24	2015
Encartele	Ferry County Jail	WA	18	2015
Encartele	Custer County Sheriff's Office Jail	CO	16	2015
Encartele	Cherry County Jail	NE	10	2015
Infinity	Brazos County Detention Center	TX	619	2015
Infinity	Sulphur City Police Dept	LA	23	2015
Lattice	Bryan County Jail	OK	200	2015
Lattice	Custer County Sheriff's Dept	OK	147	2015
Lattice	Moultrie County Jail	IL	18	2015
Legacy	Winnebago	IL	681	2015
Legacy	Elko County Sheriff's Office	NV	130	2015
Legacy	Darlington County Work Camp	SC	50	2015
Legacy	Chula Vista	CA	48	2015
Legacy	Bullock County Sheriff Office	AL	20	2015
Legacy	Bullock County	AL	20	2015
NCIC	Gregg	TX	588	2015
NCIC	Shelby County	AL	500	2015
NCIC	Norton County Jail	KS	6	2015
Paytel	Upson County Jail	GA	240	2015
Paytel	Greene County Jail	GA	120	2015
Paytel	Allegany County Detention Center	MD	105	2015
Paytel	Barbour County Sheriff's Office	AL	100	2015
Paytel	Lamar County Sheriff's Office	GA	64	2015
Paytel	Jefferson Davis County Sheriff's Office	MS	22	2015
Paytel	Clay County Detention Center	NC	11	2015
Reliance	Freeborn County Jail	MN	120	2015
Reliance	Lawrence County Jail	SD	20	2015
Reliance	Van Buren County Jail	IA	4	2015
Amtel	Autauga County Jail	AL	173	2016
CenturyLink	Yell County Jail	AR	37	2016

Winner	Facility	State	ADP	Year
Combined Public Communications	Lasalle County Jail	IL	308	2016
Combined Public Communications	Wayne County Detention Center	KY	180	2016
Combined Public Communications	Bedford County Jail	TN	165	2016
Combined Public Communications	Bell County Detention Center	KY	103	2016
Combined Public Communications	Parke County Jail	IN	98	2016
Combined Public Communications	Benton County Jail	TN	84	2016
Combined Public Communications	Vermillion County Jail	IN	76	2016
Combined Public Communications	Watauga County	NC	64	2016
Combined Public Communications	Ripley County Jail	IN	64	2016
Combined Public Communications	Fulton County Jail	IN	54	2016
Combined Public Communications	Martin County Jail	IN	50	2016
Combined Public Communications	Richland County Jail	IL	31	2016
Combined Public Communications	Union County Jail	IN	10	2016
Combined Public Communications	Jasper County Jail	IL	6	2016
CORR COMM	Craighead County Detention Center	AR	360	2016
Crown Correctional	Cccs-Start	MT	85	2016
Crown Correctional	Mills County Law Enforcement	TX	7	2016
CTC	Hawkins County Jail	TN	293	2016
CTC	Crawford County Jail	MO	78	2016
CTC	Brown County Jail	KS	21	2016
CTC	Lincoln County Sheriff's Office Jail	WA	18	2016
CTEL	Asotin County Jail	WA	50	2016
CTEL	Hancock County Sheriff's Dept	IL	43	2016
CTEL	Brown County Jail	SD	31	2016
CTEL	Kirkland, City Of, Wa - 2016	WA	14	2016
Encartele	Zavala County Jail	TX	61	2016
Encartele	Marshall County Jail	KS	20	2016
Encartele	Stark County Jail	IL	16	2016
Infinity	Henderson County, TX - 2016	TX	304	2016
Infinity	Brown County Jail	TX	177	2016
Infinity	Pittsburg County Jail	OK	125	2016
Infinity	Fairfield County Detention Center	SC	65	2016
Infinity	Falls County	TX	35	2016
Lattice	Jackson County Law Enforcement Center	OK	123	2016
Legacy	Tuolumne County	CA	140	2016
Legacy	Dunn County	WI	100	2016
Legacy	Colusa County Jail	CA	64	2016
NCIC	Colquitt County	GA	400	2016
NCIC	Upshur County Jail	TX	133	2016

Winner	Facility	State	ADP	Year
NCIC	Dade County Sheriff's Office	GA	64	2016
NCIC	Henry County Jail	AL	57	2016
NCIC	Madera County Juvenile Detention Facility	CA	50	2016
NCIC	Buena Park City Jail	CA	20	2016
NCIC	Hamilton County Jail	NE	17	2016
NCIC	McCulloch County Sheriff's Dept	TX	16	2016
NCIC	Clay County Jail	NE	6	2016
NCIC	Morrill County Jail	NE	4	2016
Paytel	Dougherty County Jail	GA	843	2016
Paytel	Tishomingo County Sheriff's Dept	MS	56	2016
Paytel	Calhoun County Jail	MS	43	2016
Reliance	Wadena County Sheriff's Office	MN	20	2016
Reliance	Box Butte County Jail	NE	15	2016
Reliance	Dawes County Sheriff's Office	NE	6	2016
Synergy	HI DOC	HI	3,987	2016
Talton	Immigration & Customs Enforcement - 2015	DC	19,149	2016
Combined Public Communications	Davies County	IN	260	2017
Combined Public Communications	Vigo County	IN	250	2017
Combined Public Communications	Meade County	KY	145	2017
Combined Public Communications	Williamson County	IL	141	2017
Combined Public Communications	Oldham County	KY	96	2017
Combined Public Communications	Wapato City	WA	73	2017
Combined Public Communications	Sullivan County	IN	55	2017
Combined Public Communications	Benton County	IN	47	2017
Combined Public Communications	Macoupin County	IL	45	2017
Crown Correctional	Cccs - Nexus	MT	81	2017
Crown Correctional	Childress County	TX	57	2017
Crown Correctional	Gray County	TX	46	2017
Crown Correctional	Montrose County	CO	40	2017
Crown Correctional	Graham County	KS	6	2017
CSG	Sebastian County	AR	398	2017
CTC	Alcorn County	MS	511	2017
CTC	Greene County	AR	264	2017
CTC	Lincoln Parish	LA	180	2017
CTC	St Genevieve County	MO	147	2017
CTC	Ottawa County	OK	120	2017
CTEL	MT DOC	MT	2,002	2017
Encartele	Blair County	PA	286	2017
Encartele	Warren County	MO	120	2017

Winner	Facility	State	ADP	Year
Encartele	Kleberg County	TX	113	2017
Infinity	Coffee County	GA	306	2017
Infinity	Decatur County Prison	GA	225	2017
Infinity	Brown County	TX	177	2017
Infinity	Cherokee County	TX	138	2017
Infinity	Fairfield County	SC	65	2017
Keystone	Cross County	AR	58	2017
Lasalle	Lincoln County	NM	60	2017
Lattice	Wayne County	PA	129	2017
Lattice	Union County	SC	35	2017
Legacy	ME DOC	ME	2,380	2017
Legacy	Dona Ana County Juvy	NM	846	2017
Legacy	Kane County	IL	547	2017
Legacy	Carroll County	MD	207	2017
Legacy	Escambia County	AL	152	2017
NCIC	Russell County	AL	250	2017
NCIC	Henderson County	NC	167	2017
NCIC	Winkler County	TX	82	2017
NCIC	Callaway County	MO	75	2017
NCIC	Medina County	TX	65	2017
NCIC	Joplin County	MO	62	2017
NCIC	Jackson County	NC	50	2017
NCIC	Benton Franklin Juvy	WA	23	2017
NCIC	Cedar County	IA	20	2017
NCIC	Hammond City	IN	15	2017
NCIC	Phillips County	KS	5	2017
Paytel	Oglethorpe County	GA	58	2017
Protocall	Chase County	KS	120	2017
Reliance	Burleigh County	ND	138	2017
Reliance	Chisago County	MN	67	2017
Reliance	Carlton County	MN	65	2017
Reliance	Morrison County	MN	53	2017
Reliance	Davison County	SD	35	2017
Stellar Services	Oconto County	WI	53	2017
Synergy	Bandera County	TX	72	2017
Telespan	Woodbury County	IA	247	2017
Turnkey	Oneida County	WI	86	2017
Turnkey	Churchill County	NV	58	2017
Ally	Warren County - Notified	MS	142	2018

Winner	Facility	State	ADP	Year
Amtel	Spalding County	GA	250	2018
Combined Public Communications	Murray County	GA	120	2018
Combined Public Communications	Brooks County	GA	112	2018
Combined Public Communications	Randolph County	IL	40	2018
CTC	Vernon County	MO	90	2018
CTEL	Leslie County	KY	193	2018
Legacy	Montgomery County	AL	513	2018
NCIC	Storey County	NV	7	2018
Reliance	Meeker County	MN	35	2018

DECLARATION OF DENNIS J. REINHOLD

I, Dennis J. Reinhold, hereby declare under penalty of perjury as follows:

1. I am the Senior Vice President and General Counsel of Securus Technologies, Inc.;
2. I have read the foregoing Ex Parte Presentation, which was prepared pursuant to my supervision and control;
3. This Declaration is submitted in support of the foregoing Ex Parte Presentation; and
4. The allegations of fact contained in the Ex Parte Presentation are true and correct to the best of my knowledge and belief.

Dated: September 6, 2018


Dennis J. Reinhold